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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,898	01/22/2004	Alexander J. Somogyi	BEAS-01337US1	6166
23910 7590 02/20/2008 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER SEYE, ABDOU K	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 02/20/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/762,898

Applicant(s)

SOMOGYI ET AL.

Examiner

Abdou Karim Seye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/21/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is the initial office action based on the application filed on January 22, 2004. Claims 1-10 are currently pending and have been considered below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Appropriate clarification is required on the following claims:

Claim 6, is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim state that " N two-phase commit protocol operations ". The number N and N-1 within claim could be interpreted as anything. Therefore the Examiner interprets the claimed element "N" as " two two-phase commit operations" and the claimed element "each of N-1" as " each of one ". Appropriate clarification is required.

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Also Claims 6, recites the limitations " the two-phase", " the primary thread", "There are insufficient antecedent basis for these limitations in these claims.

Claims 7, recites the limitation " the two-phase", there is insufficient antecedent basis for this limitation in the claim.

Claim 10, recites the limitation " the first and second", there is insufficient antecedent basis for this limitation in the claim.

Dependent claims 8 and 9 are also affected by these claims rejections.

### ***Claim Rejections - 35 USC § 102***

3.The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102 (e) as being anticipated by

**Doolittle et al. (US 20020194377).**

Claims 1 and 6 Doolittle teaches, computer program product for execution by a server computer for implementing a two-phase commit protocol, comprising:

computer code for dispatching a first two-phase commit protocol operation from a first thread to a second thread, the first two-phase commit protocol operation associated with a first resource and a first phase of two-phase commit protocol (fig. 3A/B; paragraph 53-54; 65 and 78)

computer code for processing a second two-phase commit protocol operation by the first thread, the second two-phase commit protocol operation associated with a second resource and the first phase of two-phase commit protocol (fig. 3A/B; paragraph 53-54; 78); and

computer code for determining the first two-phase commit protocol operation is complete (paragraph 54 and 63).

As to claim 2, Doolittle teaches computer code for selecting an idle server thread to process the first two-phase commit protocol operation (paragraph 74).

As to claim 3, Doolittle further teaches, wherein computer code for selecting includes: computer code for determining available server threads in a server (paragraph 51 and 58).

As to claim 4, Doolittle further teaches, wherein a thread pool manager determines the available server threads (paragraph 74).

As to claim 5, Doolittle teaches computer code for reporting results of the first and second two-phase commit protocol to a log (paragraph 54).

As to claims 7-10, they are rejected for the same reasons as the claims above.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Sato et al (20040003372) discloses an apparatus, method, and program product for supporting programming.

Dorland et al (20040010551) discloses an apparatus and method, for automated network polling.

Fisher et al (20030188163) discloses an adaptative control system and method for optimized invocation of portlets.

Wollrath et al (6237024) discloses an method and apparatus for the suspension and continuation of remote processes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-


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1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS  
February 14, 2008

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER